

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>JANICE A. WARD,</b>	)	<b>CASE NO. 8:05CV161</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>JO ANNE B. BARNHART,</b>	)	
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant's unopposed motion to reverse and remand (Filing No. 13) and the Plaintiff's motion to extend time to file a brief (Filing No. 11).

The Commissioner requests an order and final judgment reversing the decision of the Administrative Law Judge ("ALJ") and remanding this case to the Commissioner pursuant to sentence four of Section 205(g), 42 U.S.C. § 405(g).<sup>1</sup> Counsel for the Commissioner has represented that, upon agency counsel's request, the Appeals Council reconsidered the case and determined that a remand and an award of benefits was appropriate. Remand under sentence four of section 405(g) is requested for a calculation and an award of benefits. (Filing No. 13.)

The Court will grant the motion, and the ALJ is directed on remand to calculate and award benefits. The entry of final judgment in this matter triggers the appeal period that

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<sup>1</sup>Sentence four provides: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g).

determines the 30-day period during which a timely application for attorney fees may be made under the Equal Access to Justice Act.

IT IS ORDERED:

1. The Defendant's motion to reverse and remand (Filing No. 13) is granted;
2. The decision of the ALJ is reversed;
3. This action is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Memorandum and Order;
4. The Plaintiff's motion to extend time to file a brief (Filing No. 11) is denied as moot; and
5. Judgment will be entered in a separate document.

DATED this 4<sup>th</sup> day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge